

FTC MOTION FOR TEMPORARY RESTRAINING ORDER

EXHIBIT 23

**Declaration of TransUnion Litigation Support Lead
Marianne Litwa**

DECLARATION OF MARIANNE LITWA PURSUANT TO 28 U.S.C. § 1746

I, Marianne Litwa, hereby declare under penalty of perjury under the laws of the United States of America that the following statements are true and correct:

1. I am a citizen of the United States and am at least 18 years of age.
2. I am a Lead in Litigation Support for Trans Union, LLC (“TransUnion”), am authorized to make this declaration on its behalf and have personal knowledge of the matters contained herein. My business address is 1510 Chester Pike, 2 Baldwin Place, Crum Lynne, PA 19022.
3. I have been employed by TransUnion for twenty-two (22) years. I am familiar with TransUnion’s policies in connection with the Fair Credit Reporting Act (“FCRA”).
4. TransUnion is a “consumer reporting agency” (“CRA”) as that term is defined by the FCRA, 15 U.S.C. § 1681a(f).
5. As a CRA, Trans Union regularly receives and stores consumer credit information from various sources (“Furnishers”), including creditors, in consumer credit files. Reports prepared by TransUnion containing information from a consumer’s credit file and provided to third parties, such as lenders, are commonly referred to as “consumer reports” or “credit reports.”
6. TransUnion will remove negative credit information from a consumer’s credit file at, or shortly prior to, the expiration of the relevant period of time set forth in the FCRA. Generally, negative credit information will remain in a consumer’s credit file for seven (7) years.
7. A consumer’s credit score is based on information contained in the consumer’s credit file at the time the score is generated, such as payment history, amount of credit owed, utilization of credit, length of time credit established, acquisition of new credit and types of credit

established. There are various types of credit scores and lenders use a variety of different types of credit scores to make lending decisions.

8. In some instances where a third party requests a consumer's credit report, TransUnion will report an inquiry by that third party on the consumer's TransUnion credit report. Such inquiries typically remain on a consumer's TransUnion credit report for up to two (2) years.

9. It is TransUnion's policy to require Furnishers to, among other things, report accurate and complete information. TransUnion has policies, procedures and systems to ensure on an ongoing basis that its Furnishers are providing accurate and complete information.

10. If a consumer believes a Furnisher provided inaccurate or incomplete information to TransUnion, TransUnion has policies, procedures and systems to respond to the consumer's dispute of such information. TransUnion does not charge a fee to consumers for disputing information in their TransUnion credit file and/or report.

11. Upon receipt of a consumer's dispute, TransUnion may, under certain circumstances, make changes to the consumer's credit file based on the information or documents the consumer provides with the dispute.

12. If TransUnion is unable to make the requested changes based on the information or documents provided by the consumer, TransUnion typically reinvestigates the consumer's dispute using electronic systems, including the use of Automated Consumer Dispute Verification forms ("ACDVs"), to exchange electronic communications with the Furnisher and asks the Furnisher to:

- a. review the relevant information TransUnion sends, including any documents provided by the consumer with the dispute;
- b. investigate the dispute and verify that the information reported is accurate;

- c. provide TransUnion a response to the dispute and update any other information;
and
- d. Update their records and systems, if necessary.

13. Whenever a Furnisher responds to a reinvestigation of a dispute, TransUnion requires it to expressly certify that the information in its response is correct, that it has verified the accuracy of the entire item in compliance with all legal requirements and its records will be adjusted to reflect any changes noted.

14. TransUnion does not temporarily suppress disputed credit information while the reinvestigation process is pending.

15. I am aware of the existence of third-party credit repair organizations that offer, for a fee, to change and/or remove accurate, non-obsolete negative credit information in a consumer's credit file. I am aware that some of these credit repair organizations will send disputes directly to TransUnion (often without the consumers' knowledge or participation), or provide pre-written disputes to the consumers and instruct them to send them to TransUnion, challenging all or almost all negative information in the consumers' credit file. In my experience, it is unusual for all or almost all negative information in a consumer's credit file to be inaccurate or incomplete.

16. Attached to this declaration as Attachment A are sample disputes provided to TransUnion by the Federal Trade Commission ("FTC"). The FTC has advised that the disputes contained in Attachment A were generated by a credit repair organization and sent to consumers with instructions for those consumers to send them to TransUnion.

17. The disputes contained in Attachment A do not provide the type of information and/or documentation sufficient to permit TransUnion to manually delete or change the disputed

credit information without contacting the Furnishers of such credit information via the dispute process set forth above.

18. If a consumer re-disputes previously verified credit information with TransUnion, without providing any new information or documentation to support the dispute, TransUnion may notify the consumer that the disputed information was previously verified by the Furnisher and TransUnion is not required to reinvestigate the same item(s) again at that time.

I DECLARE UNDER THE PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING STATEMENTS ARE TRUE AND CORRECT.

Dated: May 17, 2022

Marianne Litwa

Marianne Litwa
Lead, Litigation Support
Trans Union, LLC

ATTACHMENT A

02/25/2019

Transunion
P. O. Box 2000
Chester, PA 19016

To Whom It May Concern:

I have thoroughly reviewed my credit report and I would like to inform you of the inaccuracies it contains (see list below). I am requesting, under the provisions of the Fair Credit Reporting Act (FCRA), 15 USC section 1681i, that you investigate these accounts.

Accounts	Reason
VERIZON WIRELESS/ [REDACTED] 0001	This collection is not my account.
BRCLYSBANKDE [REDACTED] 6369	Not mine, I never had an account with this company.
DISCOVERBANK [REDACTED] 2613	Not mine, I never had an account with this company.
SYNCB/GAP [REDACTED] 9771	Not mine, I never had an account with this company.

I understand that failure to investigate these accounts within a period of thirty days will result in “non-verification” which requires that the above accounts be immediately removed from my credit file.

I also understand that the Fair Credit Reporting Act – specifically 15 USC sections 1681i(d) and 1681j – requires that I receive both written notification of the appropriate corrections and updated credit reports at no charge.

Thank you for your time and attention to this matter. I look forward to hearing from you soon.

Sincerely,

[REDACTED]
[REDACTED]
[REDACTED]

09/03/2020

Transunion
P. O. Box 2000
Chester, PA 19016

To Whom It May Concern:

I recently sent your agency a dispute document requesting an investigation on inaccuracies appearing in my credit file. I received your response, and the following inaccuracies remain on my credit report:

Accounts	Reason
NATLCRSYS [REDACTED] 3832	I never opened an account with this company, please remove immediately.
LVNV FUNDING 4 [REDACTED] 6245	This account is a duplicate, please remove.
CREDIT ONE BANK [REDACTED] 6245	Not mine, I never had an account with this company.
MERRICK BK [REDACTED] 7814	This account was paid in full and never went to charge off.
BK OF MO [REDACTED] 0445	This account was paid in full and never went to charge off.
FEDLOAN SERVICING [REDACTED] 0022	I never made a late payment on this account, please correct.
NAVIENT [REDACTED] 0816	I never made a late payment on this account, please correct.
FEDLOAN SERVICING [REDACTED] 0001	I paid this account on time in accordance with the terms and conditions of my contract.
FEDLOAN SERVICING [REDACTED] 0011	I paid this account on time in accordance with the terms and conditions of my contract.
FEDLOAN SERVICING [REDACTED] 0012	I paid this account on time in accordance with the terms and conditions of my contract.
FEDLOAN SERVICING [REDACTED] 0017	I paid this account on time in accordance with the terms and conditions of my contract.

FEDLOAN SERVICING

0020

I paid this account on time in accordance with the terms and conditions of my contract.

FEDLOAN SERVICING

0021

I paid this account on time in accordance with the terms and conditions of my contract.

NAVIENT

0705

I paid this account on time in accordance with the terms and conditions of my contract.

NAVIENT

0412

I paid this account on time in accordance with the terms and conditions of my contract.

NAVIENT

0705

I paid this account on time in accordance with the terms and conditions of my contract.

NAVIENT

0116

I paid this account on time in accordance with the terms and conditions of my contract.

FEDLOAN SERVICING

0002

I paid this account on time in accordance with the terms and conditions of my contract.

FEDLOAN SERVICING

0003

I paid this account on time in accordance with the terms and conditions of my contract.

FEDLOAN SERVICING

0004

I paid this account on time in accordance with the terms and conditions of my contract.

FEDLOAN SERVICING

0009

I paid this account on time in accordance with the terms and conditions of my contract.

FEDLOAN SERVICING

0010

I paid this account on time in accordance with the terms and conditions of my contract.

NAVIENT

0102

I paid this account on time in accordance with the terms and conditions of my contract.

FEDLOAN SERVICING

0013

I was never late making a payment on this account. Please correct immediately.

FEDLOAN SERVICING

0018

I was never late making a payment on this account. Please correct immediately.

FEDLOAN SERVICING

0019

I was never late making a payment on this account. Please correct immediately.

NAVIENT [REDACTED] 0808	I was never late making a payment on this account. Please correct immediately.
NAVIENT [REDACTED] 0116	I was never late making a payment on this account. Please correct immediately.
NAVIENT [REDACTED] 0126	I was never late making a payment on this account. Please correct immediately.
NAVIENT [REDACTED] 0103	I was never late making a payment on this account. Please correct immediately.
NAVIENT [REDACTED] 0808	I was never late making a payment on this account. Please correct immediately.
NAVIENT [REDACTED] 0806	I was never late making a payment on this account. Please correct immediately.
NAVIENT [REDACTED] 0102	I was never late making a payment on this account. Please correct immediately.
NAVIENT [REDACTED] 0809	I was never late making a payment on this account. Please correct immediately.
NAVIENT [REDACTED] 0412	I was never late making a payment on this account. Please correct immediately.

Once again I am notifying you that these items are not reported correctly for the reasons indicated, and I am asking you to reinvestigate them. According to the Fair Credit Reporting Act, Section 607, you must ensure maximum accuracy of the information contained in my credit report.

Please respond promptly. I prefer that we both avoid the pursuit of my rights under 15 USC section 1681n and 1681o, which require your compliance with the law.

Thank you for your time and attention to this matter.

Sincerely,

[REDACTED]
[REDACTED]
[REDACTED]

01/27/2021

Transunion
P. O. Box 2000
Chester, PA 19016

To Whom It May Concern:

I have thoroughly reviewed my credit report and I would like to inform you of the inaccuracies it contains (see list below). I am requesting, under the provisions of the Fair Credit Reporting Act (FCRA), 15 USC section 1681i, that you investigate these accounts.

Accounts	Reason
LVNV FUNDING [REDACTED] 2871	This collection is not my account.
LVNV FUNDING [REDACTED] 7087	This collection is not my account.
PORTFOLIO RC [REDACTED] 9101	This collection is not my account.
ONLINE IN SV [REDACTED] 3810	This collection is not my account.
SYNCB/WALMAR [REDACTED] 2127	Not mine, I never had an account with this company.

I understand that failure to investigate these accounts within a period of thirty days will result in "non-verification" which requires that the above accounts be immediately removed from my credit file.

I also understand that the Fair Credit Reporting Act – specifically 15 USC sections 1681i(d) and 1681j – requires that I receive both written notification of the appropriate corrections and updated credit reports at no charge.

Thank you for your time and attention to this matter. I look forward to hearing from you soon.

Sincerely,

[REDACTED]
[REDACTED]
[REDACTED]